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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Argentina, Austria, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, Morocco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of): draft resolution

International Convention for the Protection of All Persons from Enforced Disappearance

The General Assembly,

Reaffirming its resolution 61/177 of 20 December 2006, by which it adopted and opened for signature, ratification and accession the International Convention for the Protection of All Persons from Enforced Disappearance,

Recalling its resolution 47/133 of 18 December 1992, by which it adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States,

Recalling also its resolution 66/160 of 19 December 2011, as well as relevant resolutions adopted by the Human Rights Council, including resolution 21/4 of 27 September 2012, in which the Council took note of the report of the Working Group on Enforced or Involuntary Disappearances[1] and the recommendations contained therein,

[1] A/HRC/19/58/Rev.1.

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Recalling further that no exceptional circumstance whatsoever may be invoked as a justification for enforced disappearance,

Recalling that no one shall be held in secret detention,

Deeply concerned, in particular, by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recalling that the Convention sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

Acknowledging that acts of enforced disappearance are recognized in the Convention as crimes against humanity, in certain circumstances,

Acknowledging also the valuable work of the International Committee of the Red Cross in promoting compliance with international humanitarian law in this field,

1. Welcomes the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance[2] on 23 December 2010, and recognizes that its implementation will be a significant contribution to ending impunity and to promoting and protecting all human rights for all;

2. *Also welcomes* the fact that ninety-one States have signed the Convention and thirty-six have ratified or acceded to it, and calls upon States that have not yet done so to consider signing, ratifying or acceding to the Convention as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances;

3. *Further welcomes* the report of the Secretary-General;[3]

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue their intensive efforts to assist States in becoming parties to the Convention, with a view to achieving universal adherence;

5. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances, to continue making efforts to disseminate information on the Convention, to promote understanding of it and to assist States parties in implementing their obligations under this instrument;

6. *Welcomes* the work achieved by the Committee on Enforced Disappearances during its first three sessions, and encourages all States parties to the Convention to support and promote the work of the Committee and to implement its recommendations;

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[2] Resolution 61/177, annex.

[3] A/67/271.

7. *Recognizes* the importance of the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States designed to punish enforced disappearances, to prevent their commission and to help victims of such acts and their families to seek fair, prompt and adequate reparation;

8. *Notes* that 2012 marks the twentieth anniversary of the adoption by the General Assembly of the Declaration and urges all States to promote and to give full effect to it;

9. *Welcomes* the cooperation established between the Working Group on Enforced or Involuntary Disappearances and the Committee on Enforced Disappearances, within the framework of their respective mandates;

10. *Takes note with interest* of all the general comments of the Working Group on Enforced or Involuntary Disappearances, including the most recent one on the right to recognition as a person before the law in the context of enforced disappearances,[4] which are aimed at helping States to apply the Declaration in a way that is most conducive to the protection of all persons from enforced disappearances;

11. *Invites* the Chair of the Committee on Enforced Disappearances and the Chair of the Working Group on Enforced or Involuntary Disappearances to address and engage in an interactive dialogue with the General Assembly at its sixty-eighth session under the item on the promotion and protection of human rights;

12. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session a report on the status of the Convention and the implementation of the present resolution.

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[4] See A/HRC/19/58/Rev.1, sect. II.H.